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10 **UNITED STATES DISTRICT COURT**

11 **DISTRICT OF NEVADA**

12 JKG FITNESS, INC., *et al.* dba Planet Fitness,

13 Plaintiffs,

14 vs.

15 BROWN & BROWN OF COLORADO, INC., a
16 Colorado Corporation; FITNESS INSURANCE,
17 a division of BROWN & BROWN OF
18 COLORADO INC., a Colorado Corporation
19 DOES I through X, inclusive; and ROE
20 CORPORATIONS I through X, inclusive,

21 Defendants.

Case No.: 2:23-cv-01800-JAD-MDC

**STIPULATION AND ORDER TO
MODIFY AND EXTEND REBUTTAL
EXPERT DISCLOSURE DEADLINE**

[FOURTH JOINT REQUEST]

22 Pursuant to LR IA 6-1 and 6-2, defendant BROWN & BROWN OF COLORADO, INC.
23 (“B&B”) and plaintiff JKG FITNESS, INC., *et al.* dba Planet Fitness (“JKG”), by and through their
24 respective counsel, hereby stipulate and agree as follows:

25 WHEREAS, the Court previously granted two joint requests to modify the existing scheduling
26 order in this case (ECF Nos. 22, 24);

27 WHEREAS, on November 15, 2024, B&B filed a Motion to Extend Case Deadlines in which
28 it requested that the Court extend the current case deadlines by ninety (90) days (ECF No. 33), JKG
filed an Opposition to the Motion on November 28, 2024 (ECF No. 35) and B&B filed a Reply in
Support of the Motion on December 5, 2024 (ECF No. 36);

1 WHEREAS, on December 9, 2024, while B&B's Motion to Extend Case Deadlines was
2 pending, the parties jointly requested a limited modification of the existing case schedule to extend
3 the deadline for rebuttal expert disclosures (ECF No. 37);

4 WHEREAS, on December 11, 2024, the Court granted B&B's Motion to Extend Case
5 Deadlines and denied the joint request for extension of the rebuttal expert disclosure deadline as moot
6 (ECF No. 38);

7 WHEREAS, pursuant to the schedule set forth in the current case scheduling order (ECF
8 No. 38), the deadline for rebuttal expert disclosures is **March 13, 2025**;

9 WHEREAS, the parties have met and conferred regarding the aforementioned rebuttal expert
10 disclosure deadline, and have agreed and hereby stipulate to a three-week extension of the rebuttal
11 expert disclosure deadline. The parties have also agreed that this extension will not impair JKG's
12 rights in responding to B&B's rebuttal expert report and deposing B&B's rebuttal expert.
13 Accordingly, this stipulation is without prejudice to any further changes to the discovery schedule to
14 accommodate a deposition of B&B's rebuttal expert witness, which may occur after the close of
15 discovery, and without prejudice to B&B's pending Motion to Stay (ECF No. 34);

16 WHEREAS, the parties agree that good cause exists for the requested extension in light of the
17 parties' ongoing document productions, expected responses to subpoenas served by B&B on relevant
18 third parties, and the parties' ongoing meet and confer efforts and related discovery issues. This
19 request is not sought for any improper purpose or delay. This is the parties' fourth joint request to
20 modify the case scheduling order. This requested extension of the deadline for rebuttal expert
21 disclosures will not impact the other case deadlines;

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1 WHEREFORE, the parties respectfully request that this Court extend the current rebuttal
2 expert disclosure deadline to **April 4, 2025** as set forth herein.

3 DATED this 12th day of March 2025.

DATED this 12th day of March 2025.

4 **DUANE MORRIS LLP**

MAIER GUTIERREZ & ASSOCIATES

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14 **ORDER**

15 IT IS SO ORDERED.

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18 Hon. Maximiliano D. Couvillier III
19 United States Magistrate Judge
20 Date: 3/14/2025
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